
By: **Delegates Conway, Bozman, Cane, Eckardt, Elmore, and Haddaway**

Rules suspended

Introduced and read first time: March 18, 2004

Assigned to: Rules and Executive Nominations

Re-referred to: Judiciary, March 22, 2004

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 5, 2004

CHAPTER _____

1 AN ACT concerning

2 **Crimes - ~~Burglary and~~ Aggravated Cruelty to Animals - ~~Definitions and~~**
3 **Penalties**

4 FOR the purpose of ~~altering the definition of "storehouse" to include, for the purposes~~
5 ~~of burglary and related crimes, a holding pen or animal habitat area that is~~
6 ~~located at a zoo~~; increasing the penalty for the crime of aggravated cruelty to
7 animals under certain circumstances; and generally relating to the ~~crimes of~~
8 ~~burglary and crime of~~ aggravated cruelty to animals.

9 BY repealing and reenacting, with amendments,
10 Article - Criminal Law
11 Section ~~6-201(h)~~ and 10-606
12 Annotated Code of Maryland
13 (2002 Volume and 2003 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Criminal Law**

17 ~~6-201.~~

18 (h) (1) ~~"Storehouse" retains its judicially determined meaning.~~

19 (2) ~~"Storehouse" includes:~~

- 1 (i) a building or other construction, or a watercraft;
 2 (ii) a barn, stable, pier, wharf, and any facility attached to a pier or
 3 wharf;
 4 (iii) a storeroom or public building; ~~and~~
 5 (iv) a trailer, aircraft, vessel, or railroad car; AND
 6 (V) ~~A HOLDING PEN OR ANIMAL HABITAT AREA THAT IS LOCATED~~
 7 ~~AT A ZOO.~~

8 10-606.

9 (a) A person may not:

- 10 (1) intentionally mutilate, torture, cruelly beat, or cruelly kill an animal;
 11 (2) cause, procure, or authorize an act prohibited under item (1) of this
 12 subsection; or
 13 (3) except in the case of self-defense, intentionally inflict bodily harm,
 14 permanent disability, or death on an animal owned or used by a law enforcement unit.

15 (b) (1) A person who violates this section is guilty of the felony of aggravated
 16 cruelty to animals and on conviction is subject to:

17 (I) imprisonment not exceeding ~~{3}~~ 6 years or a fine not exceeding
 18 ~~[\$5,000] \$10,000~~ or both; OR

19 (II) IF THE VIOLATION RESULTS IN THE DEATH OF THE ANIMAL,
 20 IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR
 21 BOTH.

22 (2) As a condition of sentencing, the court may order a defendant
 23 convicted of violating this section to participate in and pay for psychological
 24 counseling.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 26 October 1, 2004.